

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated August 3, 2007 has been received and its contents carefully reviewed.

Applicant's representative thanks the Examiner for speaking with the Applicant's representative on December 14, 2007. The substance of that conversation is set forth below and constitutes a record of that conversation.

No claims have been amended, and thus claims 1, 4, 6, 9, and 11-27 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 1, 6, and 11-27 are provisionally rejected under obviousness-type double patenting over claims 21, 22 and 26 of copending application No. 11/075,928. Claims 1 and 6 are provisionally rejected under obviousness-type double patenting over claims 1 and 8 of copending application No. 11/075,944. Without agreeing or acquiescing to the provisional rejection, Applicant will address the provisional rejection if it is the only issue remaining in a subsequent action.

Claims 1, 4, 6, 9, and 11-27 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverse the rejection.

The Office at page 16 asserts that the purpose of the invention is to set non-uniform issuance intervals for both EITs and ETTs in order to manage bandwidth, and thus teaches away from setting uniform intervals for ETTs. Applicant respectfully disagrees and requests reconsideration.

Specifically, as discussed in the interview, the Office appears to interpret the specification too narrowly when the specification provides for a broader application of the claimed invention. For instance, the Office relies on page 2, lines 20-24 of the specification to argue that the specification discloses that non-governed tables of the A/65 standard are set at

non-uniform intervals. However, this passage is taken out of context. Because the following passage at page 2, lines 24-27 states that the non-uniform issuance intervals are determined as a function of at least one of an amount of time in the future to which the table corresponds and a degree of probable interest to the viewer. That is, the passage on page 2, lines 24-27 is explaining and clarifying what the Applicant meant to convey with respect to the passage on page 2, lines 20-24.

Specifically, regarding EITs, Applicant is pointing out that those closer to the present time were very important to the viewer and those far in the future were less important to the viewer and thus, the EITs are set at non-uniform intervals.

However, as is well known to those skilled in the art, ETTs are not very important to the viewer and thus, to frequently insert ETTs closer to the present time only consumes bandwidth and contradicts the object of the claimed invention, which is to insert tables more frequently based on a degree of probable interest to the viewer.

The Office, during the interview, argued that page 8, lines 6-10, supports the allegation that the claimed invention is about setting tables at non-uniform intervals. On the contrary, the specification is clear that the described embodiment is merely a non-limiting example. See page 6, lines 17-18 of the specification. Moreover, nowhere does the specification mention that the ETTs must be transmitted at non-uniform intervals. The Office is respectfully requested to point this passage out if the Office believes that the specification explicitly discloses this.

Other passages in the specification clearly supports the subject matter of the claimed invention, which is to allow users to select any increment for EITs or ETTs in order to manage bandwidth. For instance, the interface shown in Fig. 2 of the application is a very flexible interface. For instance, when we make increment = 0 at ETT, we will get uniform interval ETTs. Simply put, the Office has focused too much on the non-uniformity of the non-governed tables, but the specification is clear that the object of the claimed invention is not about non-uniformity of the non-governed tables. That is, page 2, lines 9-12 of the specification is clear that the claimed invention is about inserting tables into DTV signals as infrequently as possible and yet

achieve A/65 compliant signal. Page 2, lines 17-19, also supports this position. Thus, the claimed invention claims non-uniform transmission of EITs and uniform transmission of ETTs.

Next, the Office at page 16 also alleges that setting the issuance interval for ETTs to be greater than the issuance interval for an EIT set nearest to the current time is not disclosed in the specification, and thus implies that the inventor was not in possession of the claimed invention. Applicant respectfully disagrees.

As mentioned above, the specification clearly supports the subject matter of the claimed invention, which is to allow users to select any increment for EITs or ETTs in order to manage bandwidth. That is, the specification is not about setting non-uniform issuance intervals for tables such as EITs, but rather the specification is about allowing users to select any increment for EITs and ETTs in order to manage bandwidth. For instance, the interface shown in Fig. 2 of the application is a very flexible interface. An increment of 0.5 can be set for EITs and an increment of 0 can be set for ETTs. Further EIT-0 can be set to 0.5 and ETT-0 can be set to 10. This is well supported by the specification.

Further, the interface allows users to select cycle times for various PSIP tables (e.g., STT, Service ETT, MGT, TVCT, RRT, and Next TVCT). Importantly, the interface allows users to select a cycle time for EIT-0 and/or ETT-0 and an increment for EIT-k and/or ETT-k for managing bandwidth. Therefore, as shown in Fig. 2, it is clear that users may input different cycle times for EIT-0 and ETT-0 and different increments. In sum, having relationship between issuance intervals for EITs and ETTs is well supported by the specification. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 1, 4, 6, 9, and 11-27 are rejected under 35 U.S.C. §103(a) as being obvious over Program Guide for Digital Television ATSC Standard A/65 ("ATSC") in view of U.S. Patent No. 6,658,661 to Arsenault ("Arsenault"), U.S. Patent No. 6,314,571 to Ogawa, and U.S. Patent No. 6,137,549 to Rasson ("Rasson"). Applicant respectfully traverses the rejection.

Claims 1 and 6 recite, among other features, a uniform issuance interval set for the ETTs is greater than a issuance interval set for an EIT nearest to the current time. Claims 19 and 21 recite, among other features, a uniform transmission cycle set for ETT-0, ETT-1, and ETT-2 is greater than a transmission cycle set for EIT-0. Claims 22 and 23 recite, among other features, issuance intervals set for an ETT0, ETT1, and ETT2 are greater than an issuance interval set for an EIT0. Claims 24 and 25 recite, among other features, the transmission cycles set for ETT0, ETT1, and ETT2 are greater than a transmission cycle set for EIT0. Claim 26 recites, among other features, a uniform period set for the ETTs is greater than a issuance period set for an EIT nearest to the current time. Claim 27 recites, among others, transmission cycles set for ETT0, ETT1, and ETT2 are greater than a transmission cycle set for EIT0.

None of the references, individually or combined, teaches or suggests the above-noted features of the claims.

The Office Action at page 17 acknowledges that ATSC does not teach or suggest these features. The Office Action, however, alleges that Arsenault, at col. 7, lines 23-67, discloses a carousel arrangement where the program guide data for time periods in the near future is transmitted more frequently than the program guide data for later time periods. The Office Action then associates the program guide data with the claimed EITs. The Office Action further alleges that Ogawa at col. 20, lines 24-50, discloses sending PSIP table data at periodic intervals. The Office Action then associates the table data with the claimed ETTs.

First of all, Arsenault teaches setting the non-uniform issuance intervals for program guide data, but not for EITs. See col. 7, lines 40-43. There is no mention of EITs in Arsenault being transmitted at non-uniform intervals. Next, as pointed out by the Office at page 19, Ogawa teaches transmitting PSIP table data at periodic intervals. However, this is not exactly correct. What Ogawa teaches is that the electronic program guide (EPG) data is sent. Specifically, at col. 20, lines 24-50, which the Office relies on, it is clearly stated that the EIT is sent periodically and not the ETTs. That is, Ogawa teaches away the claimed invention because the claim requires that the EITs are transmitted in non-uniform intervals and Ogawa teaches that the EITs are transmitted periodically.

Therefore, if the Office's allegations were to be adopted, the combined teaching of ATSC, Arsenault, and Ogawa would fail to teach or suggest the above-noted features of the claims.

Moreover, the combining Arsenault with Ogawa is impermissible. Specifically, Arsenault teaches that the program guide data is transmitted at non-uniform intervals. Ogawa, on the other hand, teaches that the program guide data is transmitted periodically. Therefore, since Arsenault and Ogawa contradict each other, one skilled in the art would not be motivated to combine the two references.

Furthermore, the Office at page 19 acknowledges that the combination of ATSC, Arsenault, and Ogawa fail to teach or suggest uniform interval set for the ETTs is greater than an issuance interval set for an EIT nearest to the current time. However, the Office alleges that Rasson cures this deficiency.

On the contrary, Rasson teaches transmitting program guide data based on priorities. See col. 6, lines 1-27. This merely complements Arsenault (Arsenault discloses that guide information for time periods in the near future is transmitted more frequently than guide information for later periods). However, Rasson fundamentally lacks the teaching regarding a relationship between EITs and ETTs.

Accordingly, claims 1, 6, 19, and 21-27 recite patentable subject matter. Claims 11-18 and 20 are at least allowable by virtue of their dependency from the respective independent claims.

Regarding claims 4 and 9, these claims have been amended as suggested during the December 19, 2006 personal interview, and Applicant respectfully submit that these claims recite patentable subject matter.

The amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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